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General Assembly

Official Records

Disarmament Commission

288th meeting

Thursday, 24 April 2008, 10.30 a.m.

New York

Chairman: Mr. De Klerk ..... (Netherlands)

The meeting was called to order at 10.30 a.m.

The Chairman: The Disarmament Commission is meeting as a Committee of the Whole. After three weeks of deliberations on the substantive agenda items by the two Working Groups, the Commission is now approaching the final stage of its work for the current session, that is, consideration and adoption of the reports of the subsidiary bodies and of its draft report to the General Assembly. As planned and scheduled in the programme of work, this meeting of the Committee of the Whole will be devoted to general consideration of the reports of the Working Groups, as contained in documents A/CN.10/2008/CRP.3 and CRP.4, and of the draft report of the Commission, as contained in document A/CN.10/2008/CRP.2. All three documents have been distributed. I also intend to invite the Commission to discuss the issue of the participation of experts in the work of the Commission's plenary meetings — a matter to which I referred several times during our general debate.

First, we shall take up the reports of the Working Groups, as contained in documents A/CN.10/2008/CRP.3 and CRP.4. We shall consider them individually, seeking general comments. Later, at the 289th plenary meeting — which will follow this afternoon or, if time permits, later this morning — the reports will be formally introduced by the Chairmen of the respective Working Groups.

The Committee will now take up the reports of the Working Groups. We will begin with document CRP.3, the draft report of Working Group I on agenda item 4, which was dealt with earlier this morning in the Working Group. Are there any comments regarding document CRP.3? I see none. Are there any comments regarding document CRP.4, which is the draft report of Working Group II on agenda item 5? I see none.

Before I move on to the consideration of document CRP.2, containing the draft report of the Commission, I should like to turn to a pending matter of business that has a direct bearing on the text of the report: the issue of the possible participation of experts in the plenary meetings of the Disarmament Commission.

As I said, I spoke about this subject at the beginning of this session, at the first and fourth plenary meetings. It was agreed that, with the assistance of the Bureau, I would carry out consultations and would submit the results of those efforts for the consideration of members before the end of this year's session of the Disarmament Commission.

Let me briefly recapture the gist of the issue. Subparagraph (e) of paragraph 3 of General Assembly resolution 61/98, entitled "Report of the Disarmament Commission", adopted on 6 December 2006, encouraged the Commission to invite, as appropriate, experts on disarmament for discussions at its plenary meetings. In pursuit of that recommendation, I conducted consultations and, through the Bureau, circulated an informal non-paper containing elements of an organizational and procedural nature for the implementation of the recommendations set out in the

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aforementioned resolution. That paper is before members, having been distributed this morning.

I hope that delegations have had sufficient time to familiarize themselves with the general thrust of my proposal. Nevertheless, it would seem wise to me to suspend the meeting for 10 minutes to give delegations time to reread the informal non-paper. Then, after resuming the meeting, I intend to ask delegations to take a decision on this matter if possible.

But before doing so, I want to draw the Commission's attention to paragraphs 10, 11 and 18 of the Commission's report, which appear in boldface in document CRP.2. Those paragraphs basically summarize the consideration of the issue at the present session and contain necessary recommendations for further steps. Thus, those paragraphs are to be considered in the context of the decision that the Commission will take on this issue.

Are there any questions before I suspend the meeting for 10 minutes?

Mr. Semin (Russian Federation) (*spoke in Russian*): We have documents A/CN.10/2008/CRP.3 and CRP.4, as well as the paper concerning the participation of experts. I do not see document CRP.2 before me; perhaps it did not reach us.

The Chairman: Any documents that have not been distributed can be obtained from the booth on my left.

Are there other questions? There being none, I shall now suspend the meeting.

The meeting was suspended at 10.35 and resumed at 10.50 a.m.

The Chairman: We have before us the Chairman's non-paper on the participation of experts in the work of the Disarmament Commission. May I ask whether there are any comments?

Mr. Bashir (Pakistan): We wish to express our deepest appreciation to the Chairman and the Chairs of the two Working Groups and all the members of the Bureau for their very consistent and productive hard work.

Regarding the issue at hand, I believe that there was some informal discussion in another setting, but the issue then was the participation of non-governmental organizations at these meetings. Now, without having to go into the details of what was discussed previously, I think it is difficult to dispute the logic of the proposal. Obviously, inputs that we get can only enhance our understanding of the issues. However, when we talk about a principle like blanket approval or consensus, there is a question as to whether we should invite non-governmental set-ups to our meetings, because research institutes and think tanks by definition are not supposed to be owned or operated or funded by particular Governments. So some questions are bound to arise, because this process is an intergovernmental process. How much value is it going to add?

There is also a question of whether, when these experts are invited to the meetings, we will get presentations on various issues or not. But I wish to draw the delegates' attention to the input of an expert. Are we talking about a deficiency in our comprehension of issues? I think that that may not be the problem. None of us here is any stranger to the harmful effects of nuclear weapons, or the fact that there is no disarmament or non-proliferation; the problems are there.

Basically, there is a problem of the irreconcilability of certain positions, or the difficulty in reconciling those positions, which requires greater political will — for example, decisions made at the summit level and maybe not in this particular setting. Although the idea per se is good, we do need to draw up some criteria for inviting outside experts. Perhaps, rather than taking a decision now and then having to question or rescind it later, it may be beneficial to debate the issue at length in the upcoming session of the First Committee.

Mr. Heinze (Germany): I would also like to take this opportunity to thank the Chairman and the Chairs of the Working Groups, once again, in the name of my delegation, for all the hard work they have done.

As far as the participation of experts in the work of the Disarmament Commission is concerned, we had a discussion on the participation of non-governmental organizations (NGOs) and experts in the Commission's Bureau last year, and I recall that there was not very much support for including either NGOs or experts. I think the first argument was that it is still unclear what the topics to be discussed in the Commission's next session will be, and we have to be clear about that before we discuss the question.

The second argument was that we have time constraints. We are a deliberative body, and we were very deliberative this time, so the time that was at our disposal for deliberations was hardly sufficient. It is difficult to conceive where experts would fit in. Further, as the previous speaker mentioned, do we really need additional inputs? Are there things that are not known to us? I am sure there are, but is additional input relevant for our work here?

So to sum up, the feeling in the Bureau last year is still the feeling of my delegation. I do not see a lot of added value in having either NGOs or experts participate in the work of the Disarmament Commission. The only possibility that I can see is that we have something *dans les couloirs*, as occurs during the First Committee all the time. But here in the room — I am very sceptical whether we should include them.

Ms. Ragsdale (United States of America): I would just like to weigh in for a second to endorse the remarks made by my colleague from Germany, particularly in his reference to the lack of clarity on the topics that the experts would approach in such a session. I am also concerned about the cost — we don't have clarity on that either, which would be taken up by another committee in the United Nations — and lack of clarity on just how many we are speaking of. So I am also in favour of perhaps deferring consideration of this.

Mr. Rao (India): First, let me take this opportunity to thank you, Mr. Chairman, and the Chairs of the two Working Groups for the work they have done. Like other delegations that have spoken before me, I see merit in the argument that, in order to decide about focused contributions by outside experts, it would be necessary to know the topics and the expertise. It might be in the best interest that we defer it to a later date, once we know the topics and the criteria and are convinced that we need those inputs to enrich our discussions and deliberations in the Commission.

Mr. Rodríguez Zahar (Mexico) (*spoke in Spanish*): My delegation also agrees with the arguments set out by our colleagues from Pakistan and Germany. In essence, this is a deliberative body made up of States, of Governments, and I believe that is its principal value. Furthermore, due to our experience in both Working Group I and II in the cycle that is concluding now, perhaps the only thing we could consider is whether the Chairmen at the Commission's next cycles — depending on what those cycles deal with — if they are going to present Chairman's papers, could use the advice of the United Nations Institute for Disarmament Research (UNIDIR) or any of the bodies mentioned here. However, there are many ways of doing that; you do not have to bring the experts here. There are many people from these agencies and organizations here at the United Nations, and the only added value, I would say, would perhaps be an informal exercise on the part of the Chairmen of Working Groups I and II in using the advice of this type of expert.

Mr. Semin (Russian Federation) (*spoke in Russian*): Mr. Chairman, I would like to take this opportunity to thank you and your very qualified team from the Netherlands here in New York and in Geneva, which has shown work of very high quality at this session. We would like to note the following regarding the experts.

It seems to us we always choose an easy path of asking for money from the budget of the Organization and to think up something additional to spend this money on. We forget that there are good forums that have been working for a long time. Non-governmental experts always participate in the work of the First Committee, for example, particularly in an informal setting. During the lunch break they have seminars on things that are of interest, and there is no need for money from the regular budget for this. Moreover, if we need to use the potential of UNIDIR, then we probably have the opportunity to request some work from it or the preparation of a report that is timed to the consideration of specific items on the agenda of the Commission.

Finally, we have governmental experts who participate in the work of various forums, such as those concerning the Chemical Weapons Convention, the Biological Weapons Convention and various other conventions. We can always use governmental experts with the delegation that brought them bearing the expense.

In short, there are various ways to use governmental and non-governmental experts without adding to the expenditure from the United Nations budget. We must consider this. It is an important question, and certainly we need to resolve it not with an easy solution but a wise one.

The Chairman: Maybe it is time for me to make a few points in reaction to the different remarks made. As your Chairman, I am under the guidance of the resolution that I mentioned, adopted by consensus one and a half years ago — General Assembly resolution 61/98 — whose relevant paragraph says that the Commission is encouraged to invite, as appropriate, experts on disarmament, including those at the United Nations Institute for Disarmament Research, for discussions at its plenary meetings.

That resolution was adopted and, as your Chairman I am under the obligation to see whether we can take a decision on that point. I note a lukewarm reception to my proposal, which is different to the resolution that was adopted earlier. However, a number of very valuable points have been made, and let me say a few words about those.

It is, indeed, true that the Disarmament Commission is a deliberative body. It is true that we have used our time this year wisely, but at the same time, I noted that we did not use all the time we had in the plenary meetings. In that sense, I thought that my first option would be to use one of the four slots for our plenary debate for experts. It would not cost us time in a sense, because this year we wasted that time. So we could productively open up to experts in a modest way.

Secondly, the point is not so much about opening up, but how to bridge irreconcilable differences, an argument made by our colleague from Pakistan. It is true that outsiders cannot resolve our differences, but maybe they can show our differences in a different light. From time to time, I am surprised by arguments of experts that I had not thought about, and I am ready to be surprised and to be informed by the wisdom of experts. We assume that the Chair at the time, together with secretariat, would make wise choices as to whom to invite.

Another argument was made: that we do not know what topics will be on our agenda in future years, which is true. We are not here to make choices about specific experts, specific persons or specific institutes. We are here to debate a principle — whether the Disarmament Commission, in a very limited way, wants to open up in future years, as the General Assembly recommended. I have not heard arguments that we cannot take a decision in principle, leaving the specific choices of experts to later.

Regarding the procedures of the First Committee, it is its Chairman, together with the secretariat and in consultation with the membership, who makes choices about specific persons participating in the debate. I still envisage a similar procedure in future meetings of the Disarmament Commission.

One last point about costs: it is true that this might cost us a few thousand dollars, but one should weigh that. It is only a small percentage of the cost of this Commission meeting, so I think it would be a very limited difference. Indeed, delegations would have to weigh the extra cost against the advantages of opening up our debates, which must represent a certain added value for the deliberations of the Commission.

Do any delegations wish to make comments?

Mr. Cahalane (Ireland): Thank you, Mr. Chairman, for bringing this paper to our attention. I also join others in thanking you and your team and the Chairs of the two Working Groups for the work done over the past three weeks.

Just to support what you are saying, I think that this is a consensus resolution that was adopted in the First Committee. And it seems to me that, given the inability of the Disarmament Commission to fulfil its mandate as a deliberative body, having the participation of experts from different areas might indeed be an appropriate use of time, since, as you said, we did not use all the time set aside for plenary discussions this year. But I do not think my delegation is naïve enough to believe that experts could bring about a great sea change in the deliberations of this body. Nonetheless, this seems to be an improvement to our working methods that might be worth exploring.

The Chairman: Are there other comments? I see no further requests from the floor.

I propose to take into account the various comments made — which go in different directions — and to split the difference. In other words, I propose that we retain in our report the discussion that we have had on the matter, and, in order to support that discussion, that we annex the Chairman's non-paper and not take a decision. In practical terms, that would mean retaining paragraphs 10 and 11 of our report, perhaps with a slight change, and deleting paragraph 18, which sets out the decision that we might have taken. Perhaps members could consider that question for a minute. We will, of course, go very carefully

through the report as contained in Conference Room Paper 2. But my question at this point is whether the gist of my proposal is acceptable to delegations.

Would any delegation like to take the floor?

Mr. Rodríguez Zahar (Mexico) (*spoke in Spanish*): My delegation notes that we have already seen that there was no consensus on the Chairman's documents in Working Groups I and II, and therefore they were not annexed. Nor is there a consensus on your proposal, Mr. Chairman, in this case. If we are going to be fair to the Chairmen of the Working Groups I and II, I believe that, for the sake of consistency and coherence, we should not agree to the annexation of your document.

Mr. Semin (Russian Federation) (*spoke in Russian*): Our delegation, Mr. Chairman, sees a gap in logic between paragraphs 10 and 11, in which you present the document for consideration, and the complete deletion of the decision on that question, which you proposed in paragraph 18. We could suggest, as a compromise, that paragraph 18, which you proposed deleting, read as follows:

> "At the same meeting, the Commission decided to continue its consideration of procedural and organizational elements for the possible participation of experts in the work of the Commission".

The Chairman: The gist of that proposed amendment is that we say only that the Disarmament Commission will continue its discussion of the participation of experts in the future. Is that a proposal that would find a consensus? I see no further comments.

For clarity's sake, paragraph 18 would then read as follows:

> "At the same meeting, the Commission took note of the Chairman's non-paper on procedural and organizational elements for possible participation of experts in the work of the Commission and decided to continue the consideration of the issue in the future".

Shall I take it, then, that the Committee decides to reformulate the paragraph in the report? We are not yet adopting the report.

It was so decided.

The Chairman: That brings us to the text of CRP.2 as a whole. It will be formally introduced later, but at this stage, with the change in paragraph 18, are there any comments on the report? I see none.

As I mentioned earlier, having considered the reports of the Working Groups and the draft report of the Commission at this meeting of the Committee of the Whole, those reports will be considered and formally adopted at the forthcoming plenary meeting.

If there are no comments, are there any requests for the floor?

Mr. Rao (India): Just for clarification, with regard to annex II of the draft report, in view of the discussions that we have just had and the decision we have taken with regard to paragraph 18, would annex II be included?

The Chairman: I thank the representative of India for that point, because it is important to clarify one or two things with regard to the bracketed text in the report. So for the clarity of all delegations, let me say that, with regard to the references to annexes I and II, which are bracketed on the front page of the report, both will disappear, because we have no annexes. So one should delete that bracketed text. The word "Annexes" disappears, as does the text below that word. Also, paragraphs 10 and 11 were in brackets. We can retain those paragraphs, so we will remove the brackets there. Paragraph 18 was also bracketed, and we have re-worded it, as suggested by the representative of the Russian Federation.

I once again thank the representative of India for making it possible for me to make that clarification.

Are there any other comments or requests for the floor? If not, then we have concluded the consideration of the reports of the Working Groups and the draft report of the Commission, and that brings us to the end of this meeting of the Committee of the Whole. I would propose that, in light of the time — it is nearly 11.30 — we suspend for a few minutes. Then, instead of continuing this afternoon with our plenary meeting, if delegations would be amenable to continuing after a short break with the plenary meeting, then I am convinced that we can finish our business this morning. That might suit some delegations in particular. Is that agreeable? Then the meeting is adjourned.

The meeting was adjourned at 11.30 a.m.